

New Mexico Coalition Against Gambling

"Good Government Is Not By Chance"

124 Hermosa SE
Albuquerque, NM 87108

February 1, 2008

Comments on Class II Classification Standards
National Indian Gaming Commission, Suite 9100
1441 L Street, NW
Washington, DC 20005

National Indian Gaming Commission,

The New Mexico Coalition Against Gambling feels that the distinction between Class II and Class III gambling machines should be distinct and palpable to the players. If a machine looks like, sounds like, and feels like a slot machine in play, it should be categorized as a Class III gambling machine, regardless of whether or not the technology inside the machine pits player against player rather than player against a computer.

There is no question that in framing the Indian Gaming Regulatory Act of 1988, Congress wanted a clear and major distinction between Class II and Class III gambling. The less regulated Class II games were in that category because they were palpably more benign than the Class III forms of gambling. Having slightly different technological mumbo-jumbo in the programming of the machines doesn't fulfill the intent of the legislators that crafted IGRA.

We agree with Chairman Hogan that a "bright line" needs to be drawn between Class II and Class III tribal gambling. With many of the manufactured Class II gambling machines, there isn't even the semblance of a line. The argument that to enforce IGRA's language is an economic burden to the tribes demonstrates the tribes' indifference to federal and state law. Many tribes use the Class II slot machines as blackmail to get concessions out of state leaders, who are merely trying to maintain state laws regarding gambling, which IGRA says is supposed to be the bench-mark for tribal gambling. The Class II slots have been a very clever, devious method for the tribes to ignore state gambling laws while expanding gambling within a state.

We encourage the Department of the Interior to complete action on making the clear and unmistakable distinction between Class II and Class III tribal gambling machines.

Respectfully,



Dr. Guy C. Clark, executive director
New Mexico Coalition Against Gambling

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NATIONAL INDIAN GAMING COMMISSION